

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT COURT OF NEW YORK

OWEN HARTY, Individually,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Case No.19 Civ. 1322 (VB)
	:	
NYACK MOTOR HOTEL INC., A New York	:	<b>DECLARATION IN OPPOSITION</b>
Corporation,	:	<b><u>TO MOTION TO DISMISS</u></b>
	:	
Defendant.	:	

**PETER SVERD, ESQ.**, an attorney duly admitted to practice law in this Court and in the courts of the State of New York, hereby declares under penalty of perjury that the following is true and correct:

1. I am a member of The Law Offices of Peter Sverd, P and, I appear as Of Counsel to Thomas B. Bacon, P.A. I am familiar with the facts set forth in this Declaration bases upon my representation of the Plaintiff, Owen Harty, documents in the public domain, pertinent to this action. I submit this Declaration, and the accompanying Memorandum of Law, dated June 12, 2019, in opposition to the defendant Nyack Motor Hotel, Inc.'s motion pursuant to Fed. R. Civ. P. 8(a), 12(b)(1), 12 (b)(6) and 19(a), which seeks the dismissal of the Complaint.

2. Annexed hereto at **EXHIBIT A** are images, hotel information, booking information from the website known as: priceline.com.

3. Annexed hereto at **EXHIBIT B** are images, hotel information, booking information from the website known as: Booking.com.

4. Annexed hereto at **EXHIBIT C** are images, hotel information, booking information from the website known as: Hotels.com.

5. Annexed hereto at **EXHIBIT D** is the Guidelines for 28 C.F.R. Part 36, Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities.
6. Annexed hereto at **EXHIBIT E** are excerpts of websites that which reference Nyack Motor Lodge.

**WHEREFORE**, the reasons set forth in the accompanying Memorandum of Law, Plaintiff respectfully submits that the Defendant's motion should be denied in all respects, as well as, granting further relief that This Court deems just and proper.

Dated: New York, New York  
June 12, 2019

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By: /s/ Peter Sverd, Esq.  
Peter Sverd, Esq.(SDNY 0406)

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing was served on all counsel of record via the Court's CM/ECF system this 12 day of June 2019.

By: /s/ Peter Sverd, Esq.